

**United States District Court
District of North Dakota**

Timothy Charles Holmseth <i>Plaintiff,</i> v. 1. City of Grand Forks/Grand Forks Police Department, University of North Dakota/University of North Dakota Police Department, State of North Dakota/North Dakota Highway Patrol, County of Grand Forks/Grand Forks County Sheriff's Office, Grand Forks County PSAP, Grand Forks States Attorney, Altru Health Systems, U.S. Customs and Border Protection, <i>Defendants,</i>	COMPLAINT MOTION FOR EMERGENCY INJUNCTIVE RELIEF 42 U.S.C. 1983 3:16-cv-303
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INTRODUCTION/BACKGROUND

PETITIONER is not an attorney. Due to that fact, PETITIONER previously and improperly petitioned the U.S. Court in the District of Minnesota on this matter – Case Number 16-CV-2496 (JRT/LIB. That Petition was subsequently dismissed Without Prejudice due to jurisdiction related matters.

The Judge in the Minnesota filing stated that by “all appearances” the action could have been filed in the U.S. Court – District North Dakota under 28 U.S. Code 1391.

PETITIONER was provided court forms by the U.S. Court in Minnesota to apply for permission from the Court to proceed PRO SE based upon income. That application was dismissed as MOOT.

On August 10, 2016 PETITIONER communicated requests to the North Dakota Court for proper application forms for requesting permission from the Court to proceed PRO SE until such time PETITIONER can achieve legal counsel.

PETITIONER subsequently received an information packet from the U.S. Court – District of North Dakota explaining how to file a federal case and request filing fees be

waived. PETITIONER reviewed the literature received from the North Dakota Court Administrator and does herein proceed to the best of PETITIONER'S ability.

COMPLAINT

DEFENDANT(s) is/are in violation of North Dakota Century Code 12.1-06 (Criminal Attempt – Facilitation – Solicitation - Conspiracy).

DEFENDANT(s) is/are in violation of North Dakota Century Code 12.1-11-05 (Tampering with public records).

DEFENDANT City of Grand Forks is in violation of North Dakota Century Code 44-04-01 regarding the disclosure of public records.

DEFENDANT City of Grand Forks is in violation of North Dakota Century Code 44-04-18 regarding fees associated with receiving public records.

DEFENDANT Grand Forks County PSAP is in violation of North Dakota Century Code 44-04-01 regarding the disclosure of public records.

DEFENDANT is violating PETITIONER'S Constitutional rights under the 1st Amendment.

PARTIES

PETITIONER, Timothy Charles Holmseth, is a citizen of the State of Minnesota and resides at 320 17th Street N.W, Unit 17, East Grand Forks, Minnesota.

RESPONDENTS all reside in the State of North Dakota.

1. City of Grand Forks/Grand Forks Police Department, 122 South 5th Street, Grand Forks, North Dakota
2. University of North Dakota/University of North Dakota Police Department, 300 Twamley Hall, 264 Centennial Drive, Grand Forks North Dakota
3. Altru Health Systems, 1000 South Columbia Road, Grand Forks, North Dakota
4. Grand Forks County Sheriff's Office, 122 South 5th Street, Grand Forks
5. Grand Forks Public Service Access Point, 122 South 5th Street, Grand Forks, North Dakota
6. Grand Forks States Attorney, 124 South 4th Street, Grand Forks, North Dakota
7. North Dakota Highway Patrol, 1100 North 47th Street, STE 200, Grand Forks, North Dakota.
8. U.S. Customs and Border Protection, 112 West Stutsman Street, Pembina, North Dakota, 58271

JURISDICTION

PETITIONER believes all wrongful acts, crimes, and torts set forth herein have taken place in the State of North Dakota.

PETITIONER is a resident of East Grand Forks, Minnesota.

PETITIONER believes the United States District Court, District of North Dakota has jurisdiction over the aforementioned Parties and the subject matter stated herein.

PETITIONER believes the North Dakota Federal Court has Venue per 28 U.S. Code 1391.

PETITIONER believes the North Dakota Federal Court has jurisdiction over this matter because the United States Border Patrol is a DEFENDANT.

PETITIONER'S BACKGROUND

PETITIONER is a journalist, author, publisher, songwriter, and media specialist.

PETITIONER has been interviewed by the Minneapolis FBI regarding the kidnapping of HaLeigh Ann-Marie Cummings based upon the FBI's request for information from PETITIONER'S recorded journalistic interviews with suspects in that case.

PETITIONER was deemed "credible" by Special Agent A.J. Eilerman, Minneapolis FBI.

PETITIONER has received security clearance through the United States Department of Agriculture to enter the secure spaces of a federal facility.

PETITIONER has received first place award from the North Dakota Newspaper Association for reporting and writing.

PETITIONER has participated in a large scale documentary production regarding FBI information pertaining to mass-shooting attacks on Planned Parenthood facilities; and the murder of JonBenet Ramsey.

STATEMENT OF FACTS

PETITIONER alleges DEFENDANTS are violating, and conspiring to violate; state and federal statutes.

The criminal conspiracy involves, but is not limited to, GFPD officer (former UNDPD officer) Jerad Braaten, UNDPD Chief of Police Eric Plummer, GFPD Chief of Police Mark Nelson, Grand Forks County Sheriff Bob Rost, GFPD Lt. Derik Zimmer, UNDPD Sgt. Danny Weigel, Grand Forks States Attorney David Jones.

PETITIONER has been notified by the Grand Forks Police Department that said agency intends to destroy police body-cam and dash-cam public records regarding the pursuit

and shooting of David James Elliott (hereby referred to as the 'Elliott Event') that occurred on February 27-28, 2015 in the State of North Dakota.

PETITIONER seeks for the Federal Court to halt any and all destruction of files pertaining to the Elliott Event.

PETITIONER has standing requests for public records from agencies/DEFENDANTS, (Grand Forks County PSAP, UNDPD, Grand Forks Police Department) which PETITIONER requests be filled; by Order of the Federal Court; and the fulfillment of the public records shall be in full compliance of all laws, rules, and regulations governing public records.

PETITIONER is being improperly denied public records by DEFENDANT CITY OF GRAND FORKS/GRAND FORKS POLICE DEPARTMENT (hereby referred to as GFPD) and DEFENDANT GRAND FORKS COUNTY PSAP.

PETITIONER is seeking the fulfillment of any and all Public Records requests that exist with all DEFENDANTS.

All the aforementioned Parties/Defendants were involved in the Elliott Event and accumulated records regarding the pursuit and shooting.

PETITIONER has been regularly requesting public records from involved agencies regarding the Elliott Event. PETITIONER has paid many applicable fees for said public records.

PETITIONER has been regularly reporting on the Elliott Event at www.writeintoaction.com and <https://www.facebook.com/profile.php?id=100009187154735> and <https://haleighcummingsdotme.wordpress.com/> and <https://eastgrandforks.wordpress.com/> and <https://www.youtube.com/watch?v=To6NCQ9npr8>

PETITIONER has been defrauded by DEFENDANTS.

PETITIONER has received police-cam evidence from the GFPD that has clearly been altered using a video editor to prevent PETITIONER, and the public, from knowing the true facts and circumstances surrounding the Elliott Event.

PETITIONER received altered/tampered with records from Lt. Derik Zimmer, GFPD.

PETITIONER received altered/tampered with records from Sgt. Danny Weigel, UNDPD.

PETITIONER has produced and published a short video that serves as Prima Facie evidence that criminal alterations of police-cams have occurred. PETITIONER is

enclosing a CD with this Petition that features the video showing how the body-cams have been altered.

DEFENDANT GFPD via Police Chief Mark Nelson, set forth a "Special Order" on June 26, 2016 to change the retention dates on police-cam evidence in the GFPD's custody after PETITIONER discovered cam evidence and had been altered to hide criminal and nefarious acts.

PETITIONER asserts the "Special Order" was made in bad faith and was done in the act of a Criminal Conspiracy.

RESPONDENT UNIVERSITY OF NORTH DAKOTA – UNIVERSITY OF NORTH DAKOTA POLICE DEPARTMENT (hereby referred to as UNDPD) has provided PETITIONER public records that appear to be altered and/or tampered with.

PETITIONER has been threatened by anonymous persons using voice changing software over the telephone and Web and warned to remove all of his websites or suffer serious consequences. PETITIONER'S children and grandchild have also been threatened.

PETITIONER has obtained evidence that shows RESPONDENT(S) are involved in the commission of state and federal crimes including Conspiracy and Attempted Murder.

RESPONDENT GFPD is planning to destroy evidence for the express purpose that it shows RESPONDENT(s) attempted to murder an unarmed man, David James Elliott; and for the purpose of destroying evidence to avoid criminal prosecution.

PETITIONER was told by "David James Elliott" that he was pursued by the United States Border Patrol.

RESPONDENT is illegally withholding information regarding the involvement of the United States Border Patrol in the Elliott Event.

RESPONDENT is seeking all records regarding the involvement of the United States Border Patrol in the Elliott Event.

PETITIONER argues the following supports an Injunction:

Irreparable Harm: If RESPONDENT destroys the files in question, they will never again be retrievable through RESPONDENT'S Keeper of Records.

Clear Legal Right: PETITIONER has a clear legal right to the files, which are public record.

Consideration of Public Interest: There exists a clear public safety issue connected to this case and the files.

Legal Challenge: The stated basis for RESPONDENT'S decision to destroy the files is subject to legal challenge.

CONCLUSION

PETITIONER respectfully requests the United States District Court issue an Injunction forbidding the destruction of GFPD IR#201501332 and/or any police-cam evidence until further order of the Court.

The Order further forbids the destruction of any related files held by the University of North Dakota Police Department/University of North Dakota, Grand Forks County Sheriff's Office, Grand Forks County States Attorney's office, North Dakota Highway Patrol, Altru Health Systems, Grand Forks County PSAP, and United States Border Patrol.

Very Respectfully Submitted,
Timothy Charles Holmseth
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II. PLAINTIFF. For each Plaintiff list: name and address including City, County and State.

See attached Complaint

III. DEFENDANT. For each Defendant list: name and address including City, County and State.

See attached Complaint

IV. CLAIM. State the facts of your claim. Include the name of each person involved, dates and places. Be as specific as possible. Do not give any legal argument or cite any cases or statutes. Use additional sheets of paper if necessary.

See attached Complaint

V. ADMINISTRATIVE PROCEDURES. If applicable, state whether your claim was heard by any administrative agencies; the type of proceedings; the date and place of any proceedings; the outcome of any administrative proceedings.

VI. RELIEF. State what you want the Court to do for you.

See attached Complaint

VII. SIGNATURE. Each Plaintiff must individually sign this complaint.

Signed this 18th day of August, 2016.

Timothy Charles Holms
Signature of Plaintiff

Signature of Plaintiff

Timothy Charles Holms et al
Printed Name of Plaintiff

Printed Name of Plaintiff

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